



2026:DHC:6019

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 14.07.2026
Judgment pronounced on: 28.07.2026

+ **RC.REV. 94/2026 & CM APPL. 19541/2026 (Stay)**

VIDYA DEVI

.....Petitioner

Through: **Mr. J.K. Chawla, Advocate**
through Video Conferencing.

versus

PAWAN KUMAR CHAUHAN & ORS.Respondents

Through: **Mr. Vineet Sharma, Advocate**
through Video Conferencing.

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Revision Petition, under Section 25B(8) of the **Delhi Rent Control Act, 1958**¹, assails the **Order dated 12.09.2025**² passed by the **learned ACJ-cum-CCJ-cum-ARC, Shahdara District, Karkardooma Courts, Delhi**³ in **RC/ARC No.603/2016**⁴, whereby the **Petitioner's Application seeking leave to defend**⁵ was dismissed and an Eviction Order under Section 14(1)(e) read with Section 25B of the DRC Act came to be passed in favour of the

¹ DRC Act

² Impugned Order

³ Learned ARC

⁴ Eviction Petition

⁵ LTD Application



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Respondents.

FACTUAL MATRIX:

2. The subject matter of the present proceedings is a tenanted premises which includes **two rooms, a verandah (open space) and a toilet on the 1st Floor, and one room on the 2nd Floor of the property bearing No. 8/94, Chhota Bazar, Shahdara, Delhi.**⁶

3. In respect of the said Subject premises, the Eviction Petition was originally instituted on 24.07.2014 by **Respondent No.1, Shri Pawan Kumar Chauhan**⁷ (Petitioner No. 1 in the Eviction Petition), and one, Mr. Naresh Kumar Chauhan (Petitioner No. 2 in the Eviction Petition) *[for the sake of clarity, both collectively referred to as the “Landlords” unless the context requires otherwise]*, who claimed to be the landlords of the Subject premises.

4. During the pendency of the eviction proceedings, Mr. Naresh Kumar Chauhan passed on and was substituted by his legal heirs, who are arrayed as Respondent Nos.2 to 5 *[collectively, along with Respondent No.1, referred to as the “Respondents”, for the sake of clarity, unless the context requires otherwise]* in the present Revision Petition.

5. Likewise, the original tenant, **Shri Umesh Chand Verma**⁸ (Respondent in the Eviction Petition), also passed on during the pendency of the eviction proceedings, whereupon the **present Petitioner, Ms. Vidya Devi**⁹, being the wife and one of his legal heirs, stepped into his shoes and continued to contest the proceedings.

6. The Eviction Petition was instituted by the Landlords on the

⁶ Subject premises

⁷ Respondent No.1

⁸ Tenant

⁹ Petitioner



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ground of *bona fide* requirement. It was, *inter alia*, pleaded that the Subject premises were required by the Landlords for their own use and occupation in connection with the expansion of the existing business and for meeting the business requirements of the family members dependent upon them. It was further asserted that the Landlords did not possess any other reasonably suitable alternative accommodation to satisfy the projected residential and business requirements.

7. Upon service of summons in the prescribed form, the Tenant entered appearance and filed a LTD Application, disputing the *bona fide* requirement projected by the Respondents. The principal defence raised was that the Landlords had concealed several properties which, according to the tenant, constituted reasonably suitable alternative accommodation.

8. The Tenant also questioned the genuineness of the requirements projected in the Eviction Petition, disputed the plea regarding expansion of business and the requirement projected for the Respondents' family members, and asserted that various subsequent developments during the pendency of the proceedings materially affected the Landlords' claim for eviction.

9. The Landlords filed a reply to the LTD Application, to which a rejoinder was filed by the Tenant. Thereafter, the Landlords also filed a rejoinder affidavit.

10. During the pendency of the eviction proceedings, the Tenant, and thereafter the Petitioner, also preferred various Applications seeking to bring on record certain subsequent events, including the alleged employment status of the sons of the Landlords and other



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developments pertaining to the properties relied upon by the Petitioner as constituting alternative accommodation. The said Applications were contested by the Landlords and were considered by the learned ARC while adjudicating the LTD Application.

11. Upon consideration of the pleadings, the documents placed on record and the rival submissions advanced by the parties, the learned ARC, *vide* the Impugned Order, came to the conclusion that none of the pleas raised by the Petitioner disclosed any triable issue warranting the grant of leave to defend.

12. Consequently, the LTD Application was dismissed and an Eviction Order was passed in favour of the Landlords. Aggrieved thereby, the present Revision Petition has been instituted.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

13. Mr. J.K. Chawla, learned counsel appearing on behalf of the Petitioner, would assail the Impugned Order by contending that the learned ARC has failed to appreciate that the Petitioner had disclosed several triable issues disentitling the Respondents from obtaining an Eviction Order under Section 14(1)(e) of the DRC Act.

14. Learned counsel for the Petitioner would submit that the findings recorded by the learned ARC on the issues of *bona fide* requirement, availability of alternative accommodation and the subsequent developments during the pendency of the eviction proceedings are contrary to the material placed on record and suffer from patent illegality and perversity.

15. Learned counsel would submit that the learned ARC erred in holding that the Respondents had established a *bona fide* requirement of the tenanted premises. It would be contended that the requirement



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projected in the Eviction Petition is inherently self-contradictory inasmuch as the Respondents have simultaneously sought eviction for demolition and reconstruction of the existing structure as well as for expansion of the existing business.

16. Learned counsel for the Petitioner would contend that the material placed on record demonstrates that Respondent No.1 is carrying on a limited dairy business from the existing premises and, in view of the restrictions operating against the use of furnaces/*bhattis*, the projected expansion of business is neither feasible nor genuine. It would thus be submitted that the learned ARC failed to appreciate that the aforesaid plea, which, in itself, constituted a triable issue.

17. Leaned counsel for the Petitioner would further contend that the learned ARC failed to consider the specific plea that the requirement projected for the sons of the Landlords also raised a triable issue.

18. Learned counsel, in this regard, submits that the material placed on record indicated that one of the sons was employed in a private establishment and, therefore, the projected requirement for commencement of an independent business was wholly speculative. It would therefore be submitted that the learned ARC has failed to consider the aforesaid contention despite the same having been specifically urged before it.

19. Learned counsel for the Petitioner would also submit that the learned ARC has failed to appreciate that the Respondents were possessed of several reasonably suitable alternative accommodations, particulars whereof had been specifically disclosed in the LTD Application.

20. In this regard, learned counsel for the Petitioner would



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specifically urge that the findings returned by the learned ARC in respect of Property No.8/4, Kesri Mohalla, Property No.252, Old Dakkhane Wali Gali, Property No.66/2A/1, Pal Gali and Property No.3/49, Ram Gali are contrary to the material on record.

21. It would further be submitted that the sale of one of the properties during the pendency of the eviction proceedings itself constituted a material subsequent event giving rise to a triable issue, which has been erroneously discarded by the learned ARC.

22. Learned counsel for the Petitioner would further submit that the learned ARC failed to accord due consideration to the Applications preferred by the Petitioner to bring on record subsequent events, including the employment status of the landlords' sons and other developments pertaining to the alleged alternative accommodations.

23. Learned counsel for the Petitioner would therefore submit that these subsequent developments materially undermined the Respondents' claim of *bona fide* requirement and, at the very least, disclosed triable issues which could only be adjudicated after the parties had led evidence.

24. In support of the aforesaid submissions, learned counsel for the Petitioner would place reliance upon the decision of the Hon'ble Supreme Court in **Ramesh Kumar Aggarwal v. Rani Ravindran & Anr.**¹⁰ to contend that where the tenant discloses facts giving rise to genuine triable issues, the LTD Application cannot be rejected at the threshold and the parties ought to be relegated to trial. It would be submitted that the present case similarly discloses several issues requiring adjudication upon evidence.

¹⁰ AIR 2009 SC 2462



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25. Learned counsel for the Petitioner would further place reliance upon the decisions of this Court in ***Kishore v. Prabodh Kumar***¹¹, ***Sukh Dev Raj Sharma v. Kuljeet Singh Jass***¹², ***Gopal Dass & Sons v. Dineshwar Nath Kedar***¹³ and ***Kiran Sachdeva v. Pushpa Devi***¹⁴ to contend that where the landlord projects a requirement founded upon expansion of an existing business, establishment of business for family members or alleges absence of alternative accommodation, the learned ARC is required to objectively examine whether the projected requirement is genuine and authentic.

26. It would be contended, while placing reliance upon the aforesaid authorities, that where the tenant raises plausible objections demonstrating that the projected requirement may be a mere wish or desire or raises questions regarding the existence of alternative accommodation, such issues ordinarily warrant grant of leave to defend.

27. Learned counsel would also place reliance upon ***V.P. Saxena v. Avinash Chander Bhasin***¹⁵, ***Raj Kumari v. Hari Parshad***¹⁶, ***B.R. Anand v. Prem Sagar***¹⁷, ***O.P. Gupta v. R.K. Sharma***¹⁸ and ***Smt. Bejoli Roy Chowdhary v. Amar Kumar & Ors.***¹⁹ to contend that the existence of reasonably suitable alternative accommodation, concealment of material facts, the genuineness of the projected requirement and other disputed factual issues cannot be conclusively

¹¹ 2012 (132) DRJ 562

¹² 2012 (132) DRJ 632

¹³ 2013 (133) DRJ 468

¹⁴ 2013 (133) DRJ 725

¹⁵ 2002 (1) RCR 701

¹⁶ 2003 (2) RCR 540

¹⁷ 2002 (1) RCR 234

¹⁸ 2001 (2) RCR 240

¹⁹ 1977 AIRCJ 897



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determined on the basis of rival affidavits where the tenant has disclosed grounds which, if established, would disentitle the landlord from obtaining an eviction order.

28. Learned counsel for the Petitioner would, therefore, in the light of the foregoing submissions and Judicial precedents relied upon, pray that the Impugned Order be set aside and the LTD Application be allowed.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

29. *Per contra*, Mr. Vineet Sharma, learned counsel appearing on behalf of the Respondents, would support the Impugned Order and submit that the learned ARC has succinctly considered every objection raised by the Petitioner in the LTD Application and has rightly concluded that no triable issue arose warranting the grant of leave to defend under Section 25B of the DRC Act.

30. Learned counsel for the Respondents would submit that the findings recorded by the learned ARC on the issues of *bona fide* requirement, availability of reasonably suitable alternative accommodation and the other objections raised by the Petitioner are based upon the pleadings and material available on record and do not suffer from any illegality, perversity or jurisdictional error warranting interference by this Court in exercise of its limited revisional jurisdiction under Section 25B(8) of the DRC Act.

31. Learned counsel for the Respondents would also submit that the learned ARC has not only considered the LTD Application on merits, but has also independently adjudicated upon the various Applications preferred by the Petitioner to bring subsequent events and additional



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documents on record in respect of the alleged alternative accommodations and other subsequent developments. He would therefore submit that the ground of challenge of non-consideration of subsequent events by the learned ARC, as raised by the learned counsel for the Petitioner, is erroneous.

32. In this regard, learned counsel for the Respondents would submit that certain Applications were allowed and the documents sought to be introduced by way of those Applications were taken on record and duly considered by the learned ARC, while certain Applications were rejected on merits.

33. Learned counsel for the Respondents would also contend that the learned ARC has undertaken an exhaustive consideration of each of the properties alleged by the Petitioner to constitute reasonably suitable alternative accommodation and has rightly returned findings that none of the said properties either belonged to the Respondents in the manner alleged or constituted a reasonably suitable alternative for the purpose for which eviction had been sought.

34. Learned counsel for the Respondents would further submit that the reliance placed by the Petitioner upon various decisions, *inter alia*, in **Ramesh Kumar Aggarwal** (supra), **Kishore** (supra), **V.P. Saxena** (supra) is wholly misplaced.

35. It would be submitted that the said decisions were rendered in cases where the learned Rent Controller had either overlooked material triable issues, failed to objectively examine the landlord's claim or accepted the landlord's assertions without adequate scrutiny. In the present case, however, the learned ARC has considered each of the objections raised by the Petitioner, including the pleas regarding



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bona fide requirement, alternative accommodation and subsequent events, and has returned detailed and reasoned findings thereon.

36. Learned counsel would, therefore, contend that the present Revision Petition, in substance, seeks a re-appreciation of the factual findings recorded by the learned ARC, which is impermissible in exercise of the limited revisional jurisdiction vested in this Court under Section 25B(8) of the DRC Act.

37. Learned counsel for the Respondents would, accordingly, submit that once the learned ARC has considered every plea raised by the Petitioner and returned reasoned findings thereon, no interference is called for merely because the Petitioner seeks to persuade this Court to take a different view of the same material.

38. Learned counsel for the Respondent would, accordingly, in light of the limited revisional jurisdiction of this Court and foregoing submissions on the merits, pray that the present Revision Petition, being devoid of merit, be dismissed.

ANALYSIS:

39. This Court has heard the learned counsel for the parties and, with their able assistance, perused the material available on record, the Impugned Order, the Written Submissions and the Judicial precedents relied upon by the Petitioner.

40. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the proviso to Section 25B(8) of the DRC Act.

41. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance*



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*Co. Ltd.*²⁰, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*²¹, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*²², has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

42. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in *Pankaj Pahwa v. Prem Wati & Ors.*²³, and *Sanjeev Hiranandani v. Sunny Grover*²⁴.

43. In *Abid-Ul-Islam* (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and

²⁰ (1998) 8 SCC 119

²¹ (2014) 9 SCC 78

²² (2022) 6 SCC 30

²³ 2024:DHC:9322

²⁴ 2025:DHC:11285



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supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

44. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

45. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B (8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional



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jurisdiction may be warranted.

46. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

47. Adverting now to the facts of the present case and submissions advanced by the learned counsel for the parties, the principal challenge of the Petitioner to the Impugned Order is that the learned ARC erred in holding that the Respondents had established their *bona fide* requirement.

48. It has been contended that the projected requirement is inherently contradictory inasmuch as the eviction has simultaneously been sought for demolition and reconstruction of the existing structure as well as for expansion of the existing business. It is further urged that the existing dairy business is limited in nature and, therefore, the projected expansion lacks genuineness.

49. This submission, however, to the mind of this Court, does not merit acceptance. A reading of Paragraph Nos. 19 and 20 of the Impugned Order reveals that the learned ARC has consciously examined the said contention and returned detailed reasons for concluding that the projected requirement neither suffers from any inconsistency nor raises any triable issue warranting the grant of leave to defend. The relevant observations read as under:

“19. On the bonafide of petitioner no. 1, himself it is stated that the proposal of expansion of business of dairy articles by the petitioner no. 1 is impermissible in law as excessive generation of heat by way of any business is comprising of of a hazardous activity that too in a residential area is dangerous. Therefore, the ground and the first floor of the proposed plan cannot be executed. In reply to the said issue, petitioner has asserted that the proposed business is only and not of "dairy products" i.e. milk, dahi, paneer and sweet lassi



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etc and not of a dairy. Furthermore, it is also averred that since 28.02.2005 i.e. since the time respondent has obtained an order against the petitioners in a previous litigation, they have not been using any furnace (bhatti) in their shop and consequently, petitioner no. 1 is procuring dairy products from other suppliers and therefore, the question of usage of furnace does not arise. However, petitioner has conceded that if at all any heat is used that would only be a small stove, which can be utilized for preparation of minor snacks and eatables. With respect to the proposed usage of the first floor, it is only to install large freezers to store perishable dairy products so as to make his business profitable. On a combined reading of the assertion and counter assertion put forth by the parties it is found that respondent has not filed copy of any regulations of Municipal Corporation of Delhi or the Health Department to substantiate his version to be believable. Even for the sake of arguments, it is assumed that any such regulation is enforceable in Delhi even then the stance of the petitioner is found to be weighty as respondents had not shown that since 28.02.2005 (since court orders), petitioners have been employing any kind of activity inducing heat in the building including the alleged use of furnace (Bhatti). Furthermore, the petition is clear on the aspect that the petitioner no. 1 proposes to start a business of dairy products and not a dairy itself, which does not ipso facto lead to the conclusion that the proposed business can lead to generation of heat and therefore, it is held that on the point of bonafide for expansion of business respondent has not been able to raise a triable issue.

20. In addition to expansion of business, petitioners seek vacation of the tenanted premises on the ground of insufficiency of living/residential space. No where in the entire leave to defend or other pleadings has the respondent raised any objection to the factum that at present petitioners along with their families are residing at 7/103, Jawahar Mohalla, Circular Road, Shahdara, Delhi-110032, (ad-measuring 83 sq yards) wherein it is stated that as many as 21 family members are residing. Even on a cursory reading of the above status, it is apparent that just 83 sq. yards for a family of 21 people is not sufficient keeping in mind the fact that the residential need in every family is ever growing. Therefore, on this count as well the requirement of the petitioner is found to be bona fide and consequently, it is held that respondent has failed to raise any triable issue. Considering the same, it is held that the petitioners have successfully shown their bonafide requirement of the tenanted premises for his business as well as residential needs and there is nothing on the record to suggest otherwise.”

50. A perusal of the aforesaid portion of the Impugned Order makes



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it evident that the reasoning adopted by the learned ARC cannot be characterised as either perfunctory or divorced from the material available on record, rather it is evident that the learned ARC has considered the rival pleadings, appreciated the explanation furnished by the Respondents regarding the nature of the proposed business and the alleged use of a furnace, and has also taken note of the undisputed residential requirement of a family comprising twenty-one members residing in an accommodation admeasuring merely 83 square yards.

51. In the considered view of this Court, the conclusion arrived at by the learned ARC is one that is reasonably borne out from the pleadings and the material available on record. The Petitioner has failed to demonstrate that the Impugned Order suffers from any jurisdictional error, manifest perversity or material irregularity warranting interference under Section 25B(8) of the DRC Act. Consequently, merely because another view on the material may also be possible would not justify this Court in exercising its limited revisional jurisdiction.

52. Equally, this is not a case where the learned ARC has accepted the Respondents' claim solely on the basis of their assertions as landlords. The Impugned Order demonstrates that the learned ARC has objectively evaluated the rival pleadings, examined the explanations furnished by the Respondents and independently considered whether the objections raised by the Petitioner disclosed any triable issue. It was only upon such examination that the learned ARC concluded that the defence raised did not warrant the grant of leave to defend.

53. The next limb of challenge relates to the alleged availability of



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reasonably suitable alternative accommodation with the Respondents. According to the Petitioner, several properties belonging to the Respondents or their family members were deliberately concealed and the learned ARC erred in holding that none of them gave rise to a triable issue.

54. The material on record, and the discussion undertaken by the learned ARC does not support the Petitioner's aforesaid contention. The Impugned Order demonstrates that each of the properties relied upon by the Petitioner, to be a suitable alternative accommodation, was separately examined and the learned ARC returned reasoned findings in respect of each property.

55. A perusal of the Impugned Order reveals that, insofar as Property No. 8/4, Kesri Mohalla is concerned, the learned ARC has considered the objection as well as the effect of the subsequent sale thereof and has recorded reasons for holding that the same does not constitute a triable issue. Paragraph Nos. 29 and 30 of the Impugned Order read as under:

“29. The respondent has also asserted that petitioner no. 1 also had a property in partnership with one Sh. Gopal owing to which they bought a property bearing flat no. 8/4, 2nd floor, Keshari Mohalla, Jain Mandir Gali, Shahdara, Delhi-32 (admeasuring about 80 sq. yards). In response, the petitioner has claimed that the name of petitioner no. 1 was added to the sale deed dated 04.11.2011 between Sharda Devi and Gopal Singh & the petitioner no.1, because Sh. Gopal Singh had availed a loan of Rs.2.5 lakhs from the petitioner to purchase the said property and the same is evident in Agreement of Loan dated 07.09.2011.

30. On combined reading of the sale deed dated 04.11.2011 and the Loan Agreement dated 07.09.2011, it is found that indeed the purpose of entering the name of petitioner no.1 in the sale deed was merely to ensure recovery of the loan amount of Rs.2.5 lakhs. In addition petitioner has claimed that the property has been sold of, however, respondent has not countered the said averment. The aforesaid agreement of loan dated 07.09.2011 clearly goes on to



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show that the property was only conditionally co-owned by the petitioner no. 1 and at the time, the instant eviction petition is instituted the property has already been sold off. Accordingly, since the property is no longer under the ownership of the petitioners, it cannot lead to generation of a triable issue.”

56. Further, the challenge regarding the remaining properties, namely, Property No.252, Old Dakkhane Wali Gali, Property No.66/2A/1, Pal Gali and Property No.3/49, Ram Gali, has likewise been considered by the learned ARC. Paragraph Nos.23, 26, 27 and 28 of the Impugned Order, which deal with the said objections, read as under:

“23. Respondent also claims that petitioners have another residential accommodation at 66/2A/1, Pal Gali, Circular Road, Jwala Nagar, Delhi-32 (admeasuring around 78 sq. yards) built up to two and a half floors is owned by the wives of four sons of Sh. Rati Ram and therefore, even petitioner no. 1 has 1/4th share in the said property and therefore, the same can be utilized for the residential needs of petitioner no. 1 and his family members. In response to the same, it is stated that the property in question is indeed owned by the four wives of the brothers and therefore, admittedly the petitioners have no ownership rights over the property. In addition, it is also stated that the property is rented out to another tenant and rent generated thereon is being utilized by the widow of Sh. Yogesh Chauhan (deceased brother of the petitioners) namely Sandhya Chauhan to meet her personal expanses. It is a clear position as presented by the respondent itself that the property is not owned by any of the petitioners. Therefore, the future usage of property not even owned by the petitioners cannot be dictated by the tenant. Clearly the aforesaid property is also currently under tenancy of a tenant as established by the rent receipt dated 06.10.2013 filed by the petitioners wherein the tenants name is stated to be Sandhya Chauhan. Therefore, the objection of the respondent that aforesaid property which is neither under the ownership nor under the land-lordship of the petitioners should be utilized to fulfill the residential needs of the petitioner no. 1 is found to be completely unconvincing. Reliance is placed on judgment titled ***Jitender Kumar Jain & Ors. Vs. M/s J K Horticulture*** produce marketing and processing corporation Ltd. 110 (2004) DLT 193 wherein it is held that a property or accommodation which landlord has no legal control or legal right to occupy cannot be included as accommodation available with



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such landlord for ascertaining his requirements.

“26. Respondent claims that petitioner no. 1 is also running a parallel business at Shop No. 3/49, Ram Gali, Pandav Road, Vishwas Nagar, Shahdara, Delhi-32 in the name of “Shyam Lassiwalla” and therefore, he already has suitable alternate commercial accommodation to run his business. To counter the said objection, petitioner no. 1 has stated that the aforesaid property is not even owned by him or any member of his family. Upon perusal of the entire record, it is found that respondent has not filed even a single document except for photographs to show the ownership of the petitioners over the said shop. Even the photographs attached to leave to defend only shows a shuttered down shop with only a board stating ‘Shyam Lassiwalla’. The photographs in itself are not sufficient to completely establish that the aforesaid property is not just owned by the petitioner, but is also a sufficient alternate accommodation for the expansion of the business of petitioner no. 1, more details were required to be furnished by the respondent to make this objection maintainable however same has not been done.

27. Thereafter, the respondent has also objected that petitioners also have a share in another ancestral property situated at 252, Old Dakkhane Wali Gali, Chota Bazar, Shahdara, Delhi-32, which has been deliberately hidden by the petitioners. At this stage, before proceeding further as to the merits of the objection, I also deem it fit to decide another application filed by the respondent u/s 151 CPC seeking to bring additional documents on record pertaining to aforesaid property. The said document is an affidavit-cum-NOC executed purportedly by the legal heirs of one Khushi Ram Chauhan, who is alleged to be the grand father of the petitioner, in favour of Mohit Chauhan and Manish Chauhan, both sons of Mukesh Chauhan. Since the aforesaid documents appears to be related to the ownership of the aforesaid property, the document is taken on record. Application disposed of accordingly.

28. Now coming to the merits of the assertion that the aforesaid property no. 252 is ancestral property of the petitioners is on the face of it is found to be meritless as the document above goes on to show that the property is not owned by the petitioners rather it is seen that neither the first party party nor the second party in the said NOC is any of the petitioners in the present case. Therefore, how the property has been associated with the petitioners remained unanswered. Petitioners have also taken the stand that the property is not owned by the petitioners or their family members. More



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attending details were required to be furnished by the respondent with regards the same which have not been furnished. Accordingly, it is found that said property is not capable of raising a triable issue in the petition.”

(Emphasis supplied)

57. The aforesaid discussion, in the considered view of this Court, demonstrates that the learned ARC did not reject the Petitioner’s objections in a summary or mechanical manner. Rather, each property relied upon by the Petitioner was independently examined on the basis of the material placed on record. In respect of Property No.66/2A/1, Pal Gali, the learned ARC found that the Respondents neither owned nor exercised legal control over the said property.

58. Further, as regards Property No.3/49, Ram Gali, the learned ARC concluded that the photographs relied upon by the Petitioner were insufficient to establish either ownership or the availability of suitable commercial accommodation. Similarly, while dealing with Property No.252, Old Dakkhane Wali Gali, the learned ARC considered the additional documents sought to be placed on record and returned specific findings as to why the said property could not be treated as an available alternative accommodation.

59. The grievance of the Petitioner is, therefore, not that the aforesaid objections remained unconsidered, but that the conclusions recorded by the learned ARC are erroneous. Acceptance of such a submission would necessarily require this Court to reassess the factual findings recorded by the learned ARC and substitute its own appreciation of the material on record. Such an exercise falls outside the limited ambit of revisional jurisdiction under Section 25B(8) of the DRC Act. No jurisdictional error, material irregularity or



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perversity in the aforesaid findings has been demonstrated so as to warrant interference.

60. The distinction between Appellate and Revisional jurisdiction is one of substance and not merely of nomenclature. An Appellate Court is concerned with the correctness of the conclusion, while a Revisional Court is concerned with the legality of the process by which that conclusion is reached.

61. The next ground of challenge pertains to the subsequent events and additional material sought to be brought on record during the pendency of the eviction proceedings.

62. The Impugned Order does not support the Petitioner's contention that such material remained unconsidered. Rather, it demonstrates that the learned ARC consciously examined the various Applications preferred by the Petitioner under Section 151 of the CPC, considered the additional documents placed on record and returned reasoned findings as to whether the subsequent developments were of such a nature as to give rise to any triable issue. The alleged sale of Property No.8/4, Kesri Mohalla has already been dealt with hereinabove in Paragraph No. 55, while considering the challenge relating to alternative accommodation.

63. Insofar as the subsequent change in the employment status of the elder son of Respondent No.1 is concerned, the learned ARC has considered the same in Paragraph Nos.17 and 18 of the Impugned Order, which read as under:

“17. At this stage before returning any findings on the requirement of the petitioners, I find it opportune to first decide two pending applications of the respondent u/s 151 of Civil Procedure Code which were filed on 07.03.2024 and 14.10.2024 qua the status of employment of Sh. Gaurav Chauhan and Sh. Saurabh Chauhan,



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both sons of petitioner. One of the requirements of petitioner no. 1 is that his eldest son Gaurav Chauhan proposes to aid his dairy products business after its expansion, however, respondent by way of both the applications claims that as per their information, Gaurav Chauhan was employed with a company namely R1RCM as AR, Senior Executive in Gurgaon for the period July, 2020 till 2022. On examining of both the applications, it is found that to substantiate the said assertions, respondent has relied upon the screen-shot of Facebook page of Gaurav Chauhan as well as a complaint u/s 223 of BNSS against the said Gaurav Chauhan wherein status of his employment has been confirmed by the concerned Enquiry Officer in the Action Taken Report filed by him. In addition, pertaining to Sh. Saurabh Chauhan, it is stated that he is also gainfully employed as a Digital Creator as evident from his Facebook profile. Considering the aforesaid, even if it is assumed that the son of petitioner no. 1 Sh. Gaurav Chauhan is/was gainfully employed with a company would not take away the genuineness of the requirement of petitioner no. 1 to settle down his son. It is an undisputed position that the present proceedings are pending adjudication since the year 2014 and therefore, expectation of the respondent that till the time the petition is not decided, a grown up son of the petitioner no. 1 shall remain unemployed is unduly harsh. In addition it has been recognized in catena of judgments by the Apex Court and Hon'ble High Court of Delhi that it is the duty of the father/mother to help establish his/her children in their lives ahead. For the said purpose (Reliance is placed upon judgment titled **Joginder Pal Singh Vs. Naval Kishore Behal** (AIR 2002 SC 2256 and **Labhu Lal Vs. Sandhya Gupta** (2011 (1) RCR 231 Delhi).

18. Furthermore, no where in the application or leave to defend has the respondent asserted that Sh. Gaurav Chauhan was employed at the time the petition was instituted, and therefore his current status of employment does not negatively impact the need of petitioners. Furthermore, the employment status of Sh. Saurabh Chauhan is found to be irrelevant to the petition as no where in the entire pleadings have the petitioners taken any averment for the proposed vocation of the said son. Accordingly, it is held that the two applications have failed to raise any triable issue in favour of the respondent. The aforesaid applications are decided accordingly.”

64. A reading of the aforesaid findings makes it evident that the learned ARC did not reject the subsequent material on technical grounds or decline to consider it merely because it arose during the pendency of the proceedings. On the contrary, the learned ARC



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examined the material on its merits and returned a reasoned finding that neither the alleged employment of Gaurav Chauhan nor the material relating to Saurabh Chauhan diluted the Respondents' *bona fide* requirement or gave rise to any triable issue. The Petitioner has been unable to demonstrate that the aforesaid findings are vitiated by any jurisdictional infirmity, material irregularity or perversity warranting interference by this Court in exercise of its revisional jurisdiction. The challenge, once again, is directed against the conclusions arrived at by the learned ARC and not against any failure to consider the subsequent events. Such a challenge travels beyond the limited scope of the revisional jurisdiction exercisable by this Court.

65. In the facts of the present case, the subsequent developments relied upon by the Petitioner neither alter the substratum of the dispute nor dilute the Respondents' projected *bona fide* requirement. Having been examined by the learned ARC and found insufficient to raise any triable issue, they cannot now be relied upon merely to invite a fresh appraisal of findings already returned upon due consideration.

66. In the backdrop of foregoing discussion, it would now be apposite to consider the reliance placed by the learned counsel for the Petitioner upon **Ramesh Kumar Aggarwal** (supra), **Kishore** (supra), **Sukh Dev Raj Sharma** (supra), **V.P. Saxena** (supra), **Raj Kumari** (supra), **Gopal Dass** (supra), **Kiran Sachdeva** (supra), **B.R. Anand** (supra), **O.P. Gupta** (supra) and **Bejoli Roy** (supra). The principal contention advanced on the strength of the aforesaid decisions is that the learned ARC ought to have granted leave to defend, as the defence raised by the Petitioner disclosed triable issues.

67. There can be no quarrel with the legal principles enunciated in



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the aforesaid decisions. They consistently reiterate that where the tenant discloses facts which, if established, would disentitle the landlord from obtaining an order of eviction, leave to defend ought not to be refused mechanically and the learned ARC is required to objectively examine the landlord's projected requirement.

68. The aforesaid decisions, however, arose in factual situations where the learned Rent Controller had either overlooked material pleas, accepted the landlord's assertions without adequate scrutiny, or otherwise failed to examine whether the defence disclosed genuine triable issues. It was in those circumstances that interference was found to be warranted.

69. The present case, however, stands on an entirely different footing. As noticed hereinabove, the learned ARC has returned independent and reasoned findings on every material objection raised by the Petitioner, including the projected *bona fide* requirement, the alleged inconsistency in the Respondents' case, the requirement projected for the Respondents' family members, each of the properties alleged to constitute alternative accommodation, as well as the subsequent developments sought to be brought on record during the pendency of the proceedings.

70. Acceptance of the Petitioner's submission would necessarily require this Court to reassess the factual findings recorded by the learned ARC and substitute its own view of the evidence. Such an exercise plainly falls outside the limited ambit of revisional jurisdiction under Section 25B(8) of the DRC Act.

71. Accordingly, while the legal principles laid down in the aforesaid authorities remain unexceptionable, the said decisions are



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distinguishable on facts and do not advance the Petitioner's case.

72. The cumulative effect of the aforesaid discussion leaves little manner of doubt that the present Revision, in essence, invites this Court to undertake a re-appreciation of the factual findings recorded by the learned ARC and substitute its own conclusions therefor. Such an exercise, however, falls beyond the limited scope of the revisional jurisdiction conferred upon this Court under the proviso to Section 25B(8) of the DRC Act.

73. The essence of revisional jurisdiction lies not in substituting one plausible conclusion with another, but in ensuring that the conclusion ultimately reached is the product of a lawful, reasoned and fair adjudicatory process. Once that threshold is met, the mere possibility of another plausible view on facts cannot, by itself, furnish a ground for interference.

74. Tested on the anvil of the aforesaid principles, this Court is satisfied that the Impugned Order reflects due application of mind to the rival pleadings and the material placed on record. The Petitioner has failed to demonstrate any jurisdictional error, material irregularity or perversity warranting interference under the proviso to Section 25B(8) of the DRC Act.

DECISION:

75. In view of the foregoing discussion, this Court is of the considered opinion that the Impugned Order does not suffer from any jurisdictional infirmity, manifest illegality, material irregularity or perversity warranting interference under the *proviso* to Section 25B(8) of the DRC Act.

76. Accordingly, the present Revision Petition, being devoid of



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merit, is dismissed. There shall be no Order as to the Costs.

77. The present Revision Petition, along with pending Application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 28, 2026/DJ